

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK**

**U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,**

**Plaintiff,**

**v.**

**STARDUST DINERS, INC. D/B/A  
COLONY DINER,**

**Defendant.**

**Civ. No. 2:21-CV-03122-ENV-LGD**

**DECLARATION OF SEBASTIAN RICCARDI**

1. I am a Senior Trial Attorney at the New York District Office of the Equal Employment Opportunity Commission (“EEOC”). I submit this declaration in support of the EEOC’s motion pursuant to Fed. R. Civ. P. 55(b)(2) because Defendant Stardust Diners, Inc. d/b/a Colony Diner has failed to plead or otherwise defend against this suit.

2. Defendant is a corporation and not an infant, in the military, or an incompetent person.

3. Defendant is still in business. The Diner is open and operating as Colony Diner.

4. This action pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (“Title VII”), was commenced on June 2, 2021. *See* Complaint, attached as Exhibit 1.

5. During the litigation the EEOC subpoenaed payroll records for Defendant from Paychex, its payroll provider. A review of those records revealed that Defendant had fewer than one hundred employees at all relevant times.

6. On December 2, 2022, the Clerk issued a certificate of default. *See* Certificate of Default, attached as Exhibit 2.

7. As set forth in the accompanying Memorandum of Law, EEOC now seeks a default judgment against Defendant pursuant to Fed. R. Civ. P. 55(b)(2), including damages in the amount of \$492,660, plus prejudgment interest on lost wages. Pursuant to Local Rule 55.2(b)(3), attached as Exhibit 13 is a proposed form of default judgment.

8. In support of the motion, EEOC submits true and correct copies of Declarations from each of the following individuals for whom EEOC is seeking damages:

- (a) The Declaration of Anny Benitez is attached hereto as Exhibit 3;
- (b) The Declaration of Julia Rondeau is attached hereto as Exhibit 4;
- (c) The Declaration of Natalie Escorza is attached hereto as Exhibit 5;
- (d) The Declaration of Alyssa Cosgrove is attached hereto as Exhibit 6;
- (e) The Declaration of Donna Maiorano is attached hereto as Exhibit 7;
- (f) The Declaration of Christina Swenson is attached hereto as Exhibit 8;
- (g) The Declaration of Jelyssa Fuertes is attached hereto as Exhibit 9;
- (h) The Declaration of Page Swinerton is attached hereto as Exhibit 10;
- (i) The Declaration of Paula Schurciht is attached hereto as Exhibit 11;
- (j) The Declaration of Jessica Costa I attached hereto as Exhibit 12.

9. On April 28, 2023, I mailed, via first class mail, a copy of this motion for default judgment along with all exhibits to Defendant at the location listed with the New York Secretary of State, which is also the location of the diner where the Aggrieved Individuals were employed:

Stardust Diners, Inc.  
2019 Hempstead Turnpike  
East Meadow, NY 11554

Executed pursuant to 28 U.S.C. § 1746, this 28th day of April, 2023.



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Sebastian Riccardi